

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13491, of the Potomac Co., et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the court width requirements (Sub-sections 4307.5 and 5305.1) for a proposed addition to an existing office building in an SP-2 and C-4 District at the premises 1126 - 16th Street, N.W., (Square 183, Lots 2, 89, 801, 802, 817, 845, 846, 858-865, part of 84-88, part of 809, 910 and public alleys to be closed).

HEARING DATE: May 20, 1981

DECISION DATE: May 20, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in the southern half of the square bounded by 16th, 17th "L" and "M" Streets, N. W. The site has frontage on both 16th and "L" Streets and is to be known as 1126 16th Street, N. W.

2. The site is split zoned between the SP-2 and C-4 Districts. The boundary line crossing the site runs parallel to the right-of-way of 16th Street ninety-five feet to the west of that right-of-way.

3. The subject property is presently improved with a variety of buildings and uses. Lots 846, 817 and 859, in the SP-2 District, are improved with a seven story office building owned by the International Union of Electrical, Radio and Machine Workers, known as the Philip Murray Building. Lots 860-863, 845 and a small portion of the rear of Lots 846, 817 and 859, in the C-4 District, are improved with a parking garage having four stories above ground and two below, owned by the Union. The building also contains a loading dock and office space. Lots 84-87 are improved with a one-story building serving as a gas station and vehicle service facility for the National Geographic Society. Lots 88, 89 and 810 are used for surface parking. Lots 2, 801, 802 and 89 are two story buildings on "L" Street devoted to restaurant and retail uses.

4. The site also includes portions of certain public alleys which were closed by the City Council by D.C. Law 3-155 effective March 5, 1981.

5. The applicant proposes to construct a thirteen story building having a height of 130 feet. The building would be devoted to office and retail space, and would contain a major

interior atrium. The building would be constructed almost entirely in the C-4 District. It would be connected to the existing Philip Murray building by a three foot glass connector at the sixth and seventh floor levels, and would thus constitute an addition to the existing building.

6. The northern half of the subject square is occupied by the major offices of the National Geographic Society. The square is bisected by an east-west alley connecting 16th and 17th Streets just south of the National Geographic property. South of the alley, in addition to the subject site, there is a four story office building adjacent to the Philip Murray Building on the north, the Pall Mall apartments to the south of the Murray Building and the headquarters of Planned Parenthood and the Ben Franklin business school at the corner of 16th and "L" Streets, all in the SP-2 District. There is a building occupied by the American Federation of State, County and Municipal Employees on "L" Street west of the subject site, a general office building at the corner of 17th and "L" and the headquarters of the International Union of Operating Engineers at 1125 17th Street, all in the C-4 District.

7. The existing Philip Murray Building is a conforming SP-2 building by virtue of its registration with the Zoning Administrator pursuant to the requirements of Section 4307 of the Zoning Regulations. Sub-section 4307.5 provides that "any conforming structure qualifying under Sub-section 4407.2 may be added to, provided no addition together with the original structure shall in the aggregate exceed the height, floor area ratio, lot occupancy, yard or court limitations of the Zoning Regulations applicable to the district in which the structure is located at the time of application for building permit for such addition."

8. The existing Murray Building has an existing setback at the level of its seventh floor. This setback, when combined with the face of the wall of the new addition creates two closed courts, the width of which are 5.67 and fourteen feet. For both units, the Zoning Regulations require a minimum width of 31.84 feet. The proposed courts are thus 26.17 and 17.84 feet, respectively, smaller than the Regulations now require. The applicant thus seeks a variance from the provisions of Sub-section 4307.5.

10. As part of the plans for the building and the closing of the alleys, the applicant proposed to create a new alley system. Part of that system would be on dedicated public alleys. Part would be over easements on private property.

11. As part of the alley system, the applicant proposes to create a truck turn-around having a radius of seventy-two feet. Part of that turn-around would include a court having a width of

forty-six feet. The Regulations would require that court to have a minimum width of 65.5 feet. A variance of 19.5 feet is thus required.

12. The subject site is unusual in shape, with two separate street frontages. It is also improved with certain buildings to be retained, necessitating that certain of the walls of the proposed addition be fixed in their location.

13. The Department of Transportation requested that the turn-around be provided as part of the alley closing process. The turn-around creates the need for the court at a particular location. The court further increases open space between buildings in the interior of the square.

14. The strict application of the Regulations would prevent the applicant from connecting the new building addition to the existing building, would result in the loss of the atrium and would lessen the amount of open space in the center of the square.

15. The Office of Planning and Development, by memorandum received on May 15, 1981 and by testimony at the public hearing, recommended that the application be granted. The OPD noted that the two existing courts of the Philip Murray Building, occur at the sixth floor of this seven story building, that they are, in effect, terraces and do not provide required light and ventilation to the building. It was the opinion of the OPD that the proposed addition will not cause any undue adverse impacts on the building in relation to the existing courts. The proposed addition, with its six story interior atrium and skylights, will provide a superior environment for its occupants. In practical terms, OPD believed it was not appropriate to require two thirty foot wide courts at the sixth floor of this existing building. As to the court created by the service yard and new alley configuration, OPD noted that the distance between the rear property lines of the Union of Operating Engineers and Smith and Antonelli buildings and the proposed building is approximately sixty-nine feet, including the forty-six foot proposed court. The provision of this court results from the applicant's efforts to improve the internal circulation and loading operations of the southern half of Square 183. These improvements will benefit not only the adjacent property owners but the city as well by removing trucks and other delivery vehicles from the public streets. Without this service area, these existing problems will remain. The OPD further noted that, at the present time, the Zoning Commission is considering amendments to the court requirements of the Zoning Regulations particularly as they affect commercial buildings of the type proposed by the applicant in this case. The Board concurs with the findings and recommendations of the OPD.

16. Advisory Neighborhood Commission 2-B, by letter dated May 15, 1981, took no position on and identified no issues and concerns regarding the application.

17. The owners of surrounding properties submitted letter and/or testified at the hearing in support of the application.

18. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that, as set forth in findings of fact 12, 13, 14 and 15 the applicant has demonstrated the existence of exceptional and unusual conditions on the site and the practical difficulty which would ensue if the Regulations were strictly applied. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Douglas J. Patton to grant).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ARRESTED BY:

Steven E. Sher by S. J. P.
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: **3** **AUG 1981**

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.